

NATIONAL RECOVERY ADMINISTRATION

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AMENDMENT TO  
CODE OF FAIR COMPETITION  
FOR THE  
**BITUMINOUS COAL INDUSTRY**


AS APPROVED ON MARCH 14, 1935



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UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1935



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Approved Code No. 24—Amendment No. 7

## AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

## BITUMINOUS COAL INDUSTRY

As Approved on March 14, 1935

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### ORDER

#### APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I, of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Bituminous Coal Industry as contained in a Published Notice of Opportunity to be Heard, Administrative Order 24-98, dated February 2, 1935, and amended to meet certain objections which were filed as provided in said Published Notice and annexed report on said amendment, containing findings thereto, having been made and directed to the President.

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, and otherwise, does hereby incorporate, by reference, said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

This Order shall become effective immediately.

NATIONAL INDUSTRIAL RECOVERY BOARD,  
By W. A. HARRIMAN, *Administrative Officer.*

Approval recommended:

W. P. ELLIS,  
*Division Administrator.*

WASHINGTON, D. C.,  
March 14, 1935.



## REPORT TO THE PRESIDENT

The PRESIDENT,  
*The White House.*

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act, for an amendment to the Code of Fair Competition for the Bituminous Coal Industry, submitted by the National Bituminous Coal Industrial Board, an agency created and established under the Code for the purpose, among others, of considering and making recommendations to the President as to any amendments of the Code.

Notice of Opportunity to be Heard, Administrative Order No. 24-98 was published and distributed February 2, 1935. Pursuant to information and considerations properly before us, as provided in the published notice of opportunity to be heard, this amendment has been revised to include selection from nominations submitted by the accredited and recognized organization of employees.

The existing provisions of Article VII of the Code for said Industry do not include representation of Labor in membership of Code Authorities. This is a highly organized Industry and the request of the National Bituminous Coal Industrial Board for a representative to be a member of each Divisional and Subdivisional Code Authority is considered to be fair, and it is believed, and we have accordingly so found, that the service of a member upon each Code Authority selected from nominations submitted by the accredited and recognized organization of employees, will tend to facilitate the administration of the Code and procure compliance therewith. Two Code Authorities voluntarily have elected labor members and another Code Authority has initiated steps for labor representation.

### FINDINGS

The Acting Deputy Administrator in his final report to us on the amendment to the Code of Fair Competition for the Bituminous Coal Industry having found as herein set forth and on the basis of all proceedings in this matter.

We find that:

(a) The amendment to said Code and the Code as amended are designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competi-

tive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required) by increasing the consumption of industrial and agricultural products by increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and otherwise by rehabilitating industry and conserving natural resources.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Code empowers the National Bituminous Coal Industrial Board to consider and to make recommendations to the President as to any amendments of this Code. It also empowers any Sub-Divisional Code Authority to propose amendments on behalf of the Industry as a whole after submission to any other Code Authority affected thereby (which shall include the Divisional Code Authority).

(d) The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

Said amendment, as modified, is accordingly approved to become effective immediately.

For the National Industrial Recovery Board:

W. A. HARRIMAN,  
*Administrative Officer.*

MARCH 14, 1935.

## AMENDMENT TO CODE OF FAIR COMPETITION FOR THE BITUMINOUS COAL INDUSTRY

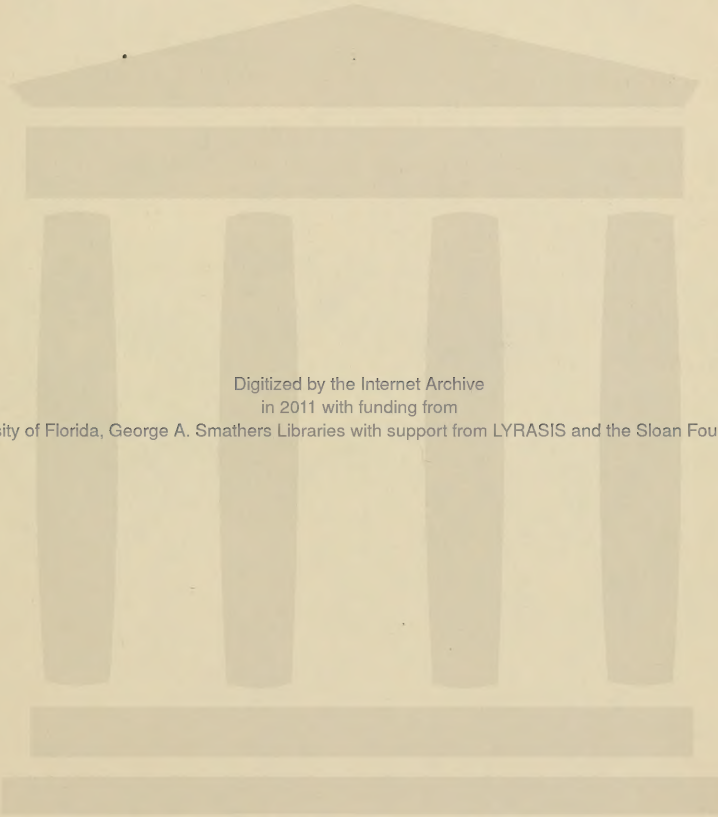
Delete the period of the second sentence of Sub-Section (a) of Section 2, Article VII, and substitute therefor a semi-colon, and add after such semi-colon the following: provided that each Code Authority, Divisional or Subdivisional, shall have one member thereon who shall be selected from nominations submitted by the accredited and recognized organization of employees.

Approved Code No. 24—Amendment No. 7  
Registry No. 702-45.

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